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SERVICE DATE - AUGUST 1, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 143X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT AND DISCONTINUANCE
OF TRACKAGE RIGHTS EXEMPTION--IN WRIGHT, FRANKLIN AND CERRO GORDO
COUNTIES, IA

Decided: July 26, 2000

On February 10, 2000, a decision and notice of interim trail use or abandonment (NITU) was served, authorizing a 180-day period for Iowa Trails Council and the Wright County Conservation Board, a county government agency (collectively ITC and WCC) to negotiate an interim trail use/rail banking agreement with the Union Pacific Railroad Company (UP) for the 12.38-mile line of railroad over the Thornton Industrial Lead (formerly known as the Fort Dodge Branch) from milepost 17.14 near Thornton to milepost 29.52 near Belmond, in Wright, Franklin and Cerro Gordo Counties, IA.¹ The 180-day period under the NITU is scheduled to expire on August 9, 2000.²

On July 13, 2000, ITC filed a request for a 180-day extension of the NITU negotiation period. ITC states that the additional time is necessary in order to conclude the negotiations. By letter filed on July 19, 2000, UP stated that it is agreeable to a 180-day extension of the NITU negotiation period.

¹ Notice of the exemption was served and published in the Federal Register on January 12, 2000 (65 FR 1947-48).

² The February 10 decision also imposed a public use condition (which will expire on August 9, 2000, and cannot be extended) and imposed conditions that required UP: (a) to coordinate with the U.S. Department of the Interior, Fish and Wildlife Service, Rock Island Field Office, to determine whether surveys of vegetation types in the area of salvage operations are needed and to conduct any such surveys during an appropriate time of the year; and (b) to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

Where, as here, the carrier is willing to continue trail use negotiations, the negotiating period may be extended.³ Under the circumstances, an extension of the negotiating period is warranted and will promote the establishment of trail use and rail banking consistent with the National Trails System Act, 16 U.S.C. 1247(d). Accordingly, the negotiating period will be extended to February 5, 2001.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The negotiating period under the NITU is extended to February 5, 2001.
2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152 (1987).